

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

DANIEL ROBERT MARTIN

Plaintiff,

v.

CIVIL ACTION NO. 2:20-cv-00772

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

ORDER

This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On May 25, 2021, Magistrate Judge Aboulhosn submitted his Proposed Findings & Recommendations [ECF No. 15] (“PF&R”) and recommended that the court **GRANT** the Claimant’s request for remand [ECF No. 12], **DENY** the Defendant’s request to affirm the decision below [ECF No. 13], **REVERSE** the final decision of the Commissioner, and **REMAND** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order to allow the ALJ to redetermine Claimant’s RFC assessment since his October 23, 2019, ankle injury. Neither party timely filed objections to the PF&R nor sought an extension of time.

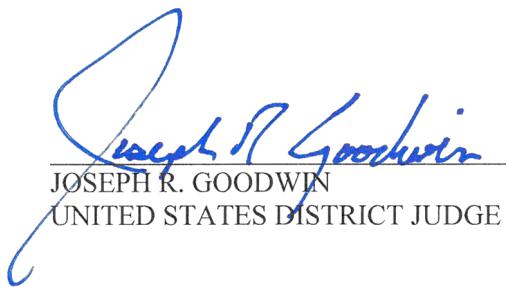
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”

28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** the Claimant's request for remand [ECF No. 12], **DENIES** the Defendant's request to affirm the decision below [ECF No. 13], **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Commissioner for further proceedings consistent with the PF&R and this Order.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 27, 2021



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE